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Serial No. 09/918,733  
 Amdt. dated 07 August 2006  
 Reply to Office Action of 06 Feb. 2006

**REMARKS**

As noted above, the Applicants appreciate the Examiner's thorough examination of the subject application.

Claims 1, 5-13, 26, 28, 29 and 33 remain in the application. Claims 2-4, 14-25, 27, 30-32 and 34-36 have been cancelled. Claim 33 is original. Claims 5-13 and 28 have been previously presented. Claims 1, 26, and 29 are amended herein. No new matter has been added.

In the Office Action mailed 06 February 2006, the Examiner rejected claims 1, 5-13, 26, 28, 29, and 33 on two statutory grounds, U.S.C. § 112 and 35 U.S.C. § 103, as described in further detail below.

Applicants respectfully request reconsideration and further examination of the application based on the preceding amendments and the following remarks.

***Claim Rejections – 35 U.S.C. § 112***

Concerning items 4-5 of the Office Action, claims 1, 5-13, 26, 28, 29, and 33 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that the referenced claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the invention as claims 1, 26, and 29 included the limitation "speaker-independent." By the present amendment, claims 1, 26, and 29 have been amended to remove reference to "speaker-independent," rendering the rejection moot.

***Claim Rejections – 35 U.S.C. § 103***

Concerning items 6-7 of the Office Action, claims 1, 5-13, 26, 28, 29, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,725,194 to Bartosik et al. ("Bartosik") in view of U.S. Patent No. 6,246,981 to Papineni et al. ("Papineni"). Applicants respectfully traverse this rejection and ask for reconsideration for the following reasons.

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One requirement for a rejection under 35 U.S.C. § 103(a) is that the cited reference(s) teach or suggest all of the limitations of the claims at issue. In this situation, the combination of Bartosik and Papineni fails to teach or suggest all of the limitations as recited in amended claim 1 (from which claims 5-13 depend), amended claim 26 (from which claim 28 depends), and amended claim 29 (from which claim 33 depends).

Representative of the independent claims in the subject application, amended claim 1 recites the following:

1. A speech recognition system comprising:
  - a querying device for posing at least one query to a respondent over a telephone;
  - a speech recognition device which receives an audio response from said respondent over the telephone and conducts a speech recognition analysis of said audio response to automatically produce a corresponding text response;
  - a storage device for recording and storing said audio response as it is received by said speech recognition device;
  - an accuracy determination device for automatically comparing said text response to a text set of expected responses and determining whether said text response corresponds to one of said expected responses, wherein said accuracy determination device is configured and arranged to determine whether said text response corresponds to one of said expected responses within a predetermined accuracy confidence parameter and to flag-said audio response so as to produce a flagged audio response for further review by a human operator when said text response does not correspond to one of said expected responses within said predetermined accuracy confidence parameter; and
  - a human interface device for enabling said human operator to hear said flagged audio response and review the corresponding text response for the flagged audio response to determine the actual text response for the flagged audio response, either by selecting from a pre-determined list of text responses or typing the actual text response if no such match exists in the pre-determined list of text responses.

[Emphasis added]

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Amended claims 26 and 29 recite method limitations similar to the system limitations recited in claim 1.

In contrast, Bartosik teaches a speech recognition device including speech recognition means arranged for recognizing text information (RTI) corresponding to received voice information (AI) by evaluating the voice information (AI) and a speech coefficient indicator (SKI, PRI, SMI, WI), and including correction means for correcting the recognized text information (RTI) and for producing corrected text information (CTI), and included text comparing means for comparing the recognized text information (RTI) with the corrected text information (CTI) and for determining at least a correspondence indicator (CI) and the adjusting means are provided for adjusting the stored speech coefficient indicator (SKI, PRI, SMI, WI) by evaluating only one of such text parts (P2) of the corrected text information (CTI) whose correspondence indicator (CI) has a minimum value (MW). (See Bartosik, e.g., Abstract)

For the rejection, the Examiner stated that Bartosik teaches the emphasized portion of claim 1 (above), citing Bartosik at col. 6, lines 7-16 and col. 9, lines 1-62. Applicants do not agree.

Bartosik is not understood as teaching flagging of an audio response, and in contrast with Applicant's claimed systems and methods teaches a device that functions as a dictating machine (col. 4, lines 64-66). Bartosik instead relies upon a user reading all recognized text information to determine erroneous recognitions:

The recognized text information RTI recognized by the speech recognition means 42 and stored in the recognized-text memory means 45 is then read out by the text processing means 48 and displayed on the monitor 4. The user recognizes that the two uttered words "order" and "Harry" were recognized erroneously and he/she would like to correct the recognized text information RTI, because of which the user activates with the input means 14 of the dictation microphone 2 the correction mode of the speech recognition device.

(col. 8, lines 6-15) [Emphasis added]

Bartosik, therefore, fails to teach speech recognition systems and methods as claimed by the Applicants, e.g., including "wherein if said accuracy determination device determines that said text response does not correspond to one of said expected responses within a predetermined accuracy

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confidence parameter, said accuracy determination device flags said audio response so as to produce a flagged audio response for further review by a human operator."

The secondary reference, Papineni, in further contrast with the Applicants' claimed systems and methods, is directed to a speech recognition and synthesis system that includes a natural language task-oriented dialog manager. Papineni teaches only a general text-to-speech synthesizer and does not cure the deficiency noted previously for Bartosik. For example, Papineni merely teaches that "hub 10 passes speech data to the speech recognizer 20 which in turns passes the recognized text back to the hub." See Papineni, col. 7, lines 66-67. Papineni even goes as far as stating its invention focuses on the dialog manager and script and not the described speech recognizer or text-to-speech synthesizer. See Papineni, col. 8, lines 12-18. Thus, Papineni does not teach or suggest the limitations of Applicants' claims, e.g., flagging an audio response in the event a predetermined confidence parameter is not met.

Consequently, the cited combination of Bartosik and Papineni (regardless of whether the references are considered together or separately) fails to teach or suggest all of the limitations of independent claims 1, 26, and 29. Bartosik and Papineni are therefore an improper basis for a rejection of claims 1, 5-13, 26, 28, 29, and 33 under 35 U.S.C. § 103(a). Applicants request that the rejection of claims 1, 5-13, 26, 28, 29, and 33 under 35 U.S.C. § 103(a) be removed, accordingly, and the claims allowed.

### **Conclusion**

In view of the amendments and remarks submitted herein, Applicants respectfully submit that all of the claims now pending in the subject application are in condition for allowance, and respectfully request a Notice of Allowance for the application.

Authorization is hereby given to charge a three-month extension of time under 37 C.F.R. § 1.136 or any other required fees and/or to credit any overpayments to deposit account No. 50-1133.

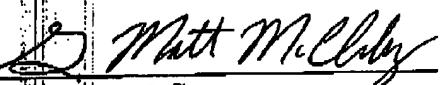
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If the Examiner believes there are any outstanding issues to be resolved with respect to the above-identified application, the Examiner is invited to telephone the undersigned at his earliest convenience so that such issues may be resolved telephonically.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

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